

Chuck is now moving on to another significant challenge as he becomes co-chair of the Western Conference of Teamsters Pension Trust.

I wish him the very best in this new endeavor and offer my heartfelt and sincere congratulations for a job well done representing Teamsters in the bay area and across northern California for the last four decades.●

#### MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mrs. Neiman, one of his secretaries.

#### EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

#### REPORT RELATIVE TO A PROPOSED AGREEMENT FOR CO-OPERATION BETWEEN THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE GOVERNMENT OF THE UNITED ARAB EMIRATES CONCERNING PEACEFUL USES OF NUCLEAR ENERGY—PM 21

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Foreign Relations:

*To the Congress of the United States:*

I am pleased to transmit to the Congress, pursuant to sections 123 b. and 123 d. of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2153(b), (d)) (the "Act"), the text of a proposed Agreement for Cooperation Between the Government of the United States of America and the Government of the United Arab Emirates Concerning Peaceful Uses of Nuclear Energy. I am also pleased to transmit my written approval, authorization, and determination concerning the Agreement, and an unclassified Nuclear Proliferation Assessment Statement (NPAS) concerning the Agreement. (In accordance with section 123 of the Act, as amended by Title XII of the Foreign Affairs Reform and Restructuring Act of 1998 (Public Law 105-277), a classified annex to the NPAS, prepared by the Secretary of State in consultation with the Director of National Intelligence, summarizing relevant classified information, will be submitted to the Congress separately.) The joint memorandum submitted to me by the Secretary of State and the Secretary of Energy and a letter from the Chairman of the Nuclear Regulatory Commission

stating the views of the Commission are also enclosed.

The proposed Agreement has been negotiated in accordance with the Act and other applicable law. In my judgment, it meets all applicable statutory requirements and will advance the nonproliferation and other foreign policy interests of the United States.

The Agreement provides a comprehensive framework for peaceful nuclear cooperation with the United Arab Emirates (UAE) based on a mutual commitment to nuclear nonproliferation. The United States and the UAE are entering into it in the context of a stated intention by the UAE to rely on existing international markets for nuclear fuel services as an alternative to the pursuit of enrichment and reprocessing. Article 7 will transform this UAE policy into a legally binding obligation from the UAE to the United States upon entry into force of the Agreement. Article 13 provides, inter alia, that if the UAE at any time following entry into force of the Agreement materially violates Article 7, the United States will have a right to cease further cooperation under the Agreement, require the return of items subject to the Agreement, and terminate the Agreement by giving 90 days written notice. In view of these and other nonproliferation features, the Agreement has the potential to serve as a model for other countries in the region that wish to pursue responsible nuclear energy development.

The Agreement has a term of 30 years and permits the transfer of technology, material, equipment (including reactors), and components for nuclear research and nuclear power production. It does not permit transfers of Restricted Data, sensitive nuclear technology, sensitive nuclear facilities, or major critical components of such facilities. In the event of termination of the Agreement, key nonproliferation conditions and controls continue with respect to material, equipment, and components subject to the Agreement.

In addition to the UAE's obligation to forgo enrichment and reprocessing—the first instance of such an obligation on the part of a U.S. cooperating partner in an agreement of this type—the Agreement contains certain additional nonproliferation features not typically found in such agreements. These are modeled on similar provisions in the 1981 United States-Egypt Agreement for Peaceful Nuclear Cooperation and include (a) a right of the United States to require the removal of special fissionable material subject to the Agreement from the UAE either to the United States or to a third country if exceptional circumstances of concern from a nonproliferation standpoint so require, and (b) confirmation by the United States that the fields of cooperation, terms, and conditions accorded by the United States to the UAE shall be no less favorable in scope and effect than those that the United States may accord to any other non-

nuclear-weapon State in the Middle East in a peaceful nuclear cooperation agreement. The Agreement also provides, for the first time in a U.S. agreement for peaceful nuclear cooperation, that prior to U.S. licensing of exports of nuclear material, equipment, components, or technology pursuant to the Agreement, the UAE shall bring into force the Additional Protocol to its safeguards agreement.

The UAE is a non-nuclear-weapon State party to the Treaty on the Non-Proliferation of Nuclear Weapons (NPT). The United States is a nuclear-weapon State party to the NPT. Article 12 of the proposed Agreement provides that the Agreement shall not be interpreted as affecting the inalienable rights of the United States and the UAE under the NPT. A more detailed discussion of the UAE's intended civil nuclear program and its nonproliferation policies and practices is provided in the NPAS and in a classified Annex to the NPAS to be submitted to the Congress separately.

The Agreed Minute to the Agreement provides U.S. prior approval for retransfers by the UAE of irradiated nuclear material subject to the Agreement to France and the United Kingdom, if consistent with their respective policies, laws, and regulations, for storage or reprocessing subject to specified conditions, including that prior agreement between the United States and the UAE is required for the transfer of any special fissionable material recovered from any such reprocessing to the UAE. The transferred material would also have to be held within the European Atomic Energy Community subject to the Agreement for Cooperation in the Peaceful Uses of Nuclear Energy Between the United States of America and the European Atomic Energy Community (EURATOM).

In view of the fact that this consent would constitute a subsequent arrangement under the Act if agreed separately from the proposed Agreement, the Secretary of State and the Secretary of Energy have ensured that the advance approval provisions meet the applicable requirements of section 131 of the Act. Specifically, they have concluded that the U.S. advance approval for retransfer of nuclear material for reprocessing or storage contained in the Agreed Minute to the proposed Agreement is not inimical to the common defense and security. An analysis of the advance approval given in the Agreed Minute is contained in the NPAS.

This transmission shall constitute a submittal for purposes of both sections 123 b. and 123 d. of the Act. My Administration is prepared to begin immediately the consultations with the Senate Foreign Relations Committee and the House Foreign Affairs Committee as provided in section 123 b. Upon completion of the period of 30 days of continuous session provided for in section

123 b., the period of 60 days of continuous session provided for in section 123 d. shall commence.

BARACK OBAMA.  
THE WHITE HOUSE, May 21, 2009.

#### MESSAGES FROM THE HOUSE

##### ENROLLED BILLS SIGNED

At 9:04 a.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the Speaker has signed the following enrolled bills:

H.R. 131. An act to establish the Ronald Reagan Centennial Commission.

H.R. 627. An act to amend the Truth in Lending Act to establish fair and transparent practices relating to the extension of credit under an open end consumer credit plan, and for other purposes.

Under the authority of the order of today, May 21, 2009, the enrolled bills were subsequently signed by the Majority Leader (Mr. REID).

At 1:21 p.m., a message from the House of Representatives, delivered by Mr. Zapata, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 2352. An act to amend the Small Business Act, and for other purposes.

The message also announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 133. Concurrent resolution providing for a conditional adjournment of the House of Representatives and a conditional recess or adjournment of the Senate.

At 2:21 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House of Representatives to the bill (S. 454) to improve the organization and procedures of the Department of Defense for the acquisition of major weapon systems, and for other purposes.

##### ENROLLED BILL SIGNED

At 5:19 p.m., a message from the House of Representatives, delivered by Mr. Zapata, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

S. 454. An act to improve the organization and procedures of the Department of Defense for the acquisition of major weapon systems, and for other purposes.

Under the authority of the order of today, May 21, 2009, the enrolled bill was subsequently signed by the Majority Leader (Mr. REID).

##### MEASURES REFERRED

The following bill was read the first and the second times by unanimous consent, and referred as indicated:

H.R. 2352. An act to amend the Small Business Act, and for other purposes; to the Committee on Small Business and Entrepreneurship.

The following concurrent resolution was read, and referred as indicated:

H. Con. Res. 103. Concurrent resolution supporting the goals and ideals of Malaria Awareness Day; to the Committee on Foreign Relations.

##### ENROLLED BILL PRESENTED

The Secretary of the Senate reported that today, May 21, 2009, she had presented to the President of the United States the following enrolled bill:

S. 454. An act to improve the organization of procedures of the Department of Defense for the acquisition of major weapon systems, and for other purposes.

#### EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-1707. A communication from the Acting Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Mushroom Promotion, Research, and Consumer Information Order; Correction to Referendum Procedures" ((Docket No. AMS-FV-09-0019)(FV-09-703)) received in the Office of the President of the Senate on May 18, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC-1708. A communication from the Acting Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Honey Research, Promotion, and Consumer Information Order; Termination" ((Docket No. AMS-FV-09-0006)(FV-09-701)) received in the Office of the President of the Senate on May 18, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC-1709. A communication from the Acting Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Onions Grown in South Texas; Change in Regulatory Period" ((Docket No. AMS-FV-09-0012)(FV-09-959-1 IFR)) received in the Office of the President of the Senate on May 18, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC-1710. A communication from the Acting Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Walnuts Grown in California; Order Amending Marketing Order No. 984; Correction" ((Docket No. AMS-FV-07-0004)(FV-06-984-1 C)) received in the Office of the President of the Senate on May 18, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC-1711. A communication from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Marketing Order Regulating the Handling of Spearmint Oil Produced in the Far West; Salable Quantities and Allotment Percentages for the 2009-2010 Marketing Year" ((Docket No. AMS-FV-08-0104)(FV-09-985-1 FR)) received in the Office of the President of the Senate on May 18, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC-1712. A communication from the Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting, pursuant to law, a report on the Department's activities during Calendar Year 2008 relative to the Equal Credit Opportunity Act; to the Committee on Banking, Housing, and Urban Affairs.

EC-1713. A communication from the Deputy General Counsel for Operations, Department of Housing and Urban Development, transmitting, pursuant to law, (3) reports relative to vacancy announcements within the Department; to the Committee on Banking, Housing, and Urban Affairs.

EC-1714. A communication from the Acting Assistant Secretary for Export Administration, Bureau of Industry and Security, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Revisions to License Requirements and License Exception Eligibility for Certain Thermal Imaging Cameras and Foreign Made Military Commodities Incorporating Such Cameras" (RIN0694-AD71) received in the Office of the President of the Senate on May 19, 2009; to the Committee on Banking, Housing, and Urban Affairs.

EC-1715. A communication from the Assistant Director for Policy, Office of Foreign Assets Control, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Darfur Sanctions Regulations" (31 CFR Parts 546) received in the Office of the President of the Senate on May 19, 2009; to the Committee on Banking, Housing, and Urban Affairs.

EC-1716. A communication from the Assistant Director for Policy, Office of Foreign Assets Control, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Democratic Republic of the Congo Sanctions Regulations" (31 CFR Parts 547) received in the Office of the President of the Senate on May 19, 2009; to the Committee on Banking, Housing, and Urban Affairs.

EC-1717. A communication from the Secretary of Transportation, transmitting, pursuant to law, the Department's Biennial Report On the 2008 Regulatory Status of National Transportation Safety Board Open Safety Recommendations Concerning 15-Passenger Van Safety, Railroad Grade Crossing Safety, and Medical Certifications for a Commercial Driver's License; to the Committee on Commerce, Science, and Transportation.

EC-1718. A communication from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Replacement Digital Television Translator Service" (MB Docket No. 08-253) received in the Office of the President of the Senate on May 18, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1719. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Health Saving Accounts Inflation Adjustments for 2010" (Rev. Proc. 2009-29) received in the Office of the President of the Senate on May 18, 2009; to the Committee on Finance.

EC-1720. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Self-determination of Deficiency Dividend under 860(e)(4)" (Rev. Proc. 2009-28) received in the Office of the President of the Senate on May 18, 2009; to the Committee on Finance.

EC-1721. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the